

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

G3 ENTERPRISES, INC.,

Plaintiff,

v.

FORTRESS NUTRITION, LLC,

Defendant.

Case No. 1:22-cv-01551-JLT-EPG

ORDER RE: NOTICE OF VOLUNTARY
DISMISSAL WITH PREJUDICE

(ECF No. 26)

On September 15, 2023, Plaintiff filed a notice of voluntary dismissal, stating, “[t]his action is dismissed by the Plaintiff(s) in its entirety with prejudice.” (ECF No. 26).

Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), “a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Here, Defendant has not served an answer or motion for summary judgment.

Accordingly, in light of the voluntary dismissal, this action has been terminated, Fed. R. Civ. P. 41(a)(1)(A)(i), and has been dismissed with prejudice. *See Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). The Clerk of Court is respectfully directed to close the case. IT IS SO ORDERED.

Dated: September 18, 2023

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

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